

of deceased persons, passed March 20th, 1848, offering an amendment thereto, was read, amendment adopted and bill ordered to be engrossed.

The report of the Committee on State Affairs, on the memorial of C. H. Kennard and others, relative to the abolition of the practice of employing Chaplains by the Government, recommending that the same be rejected, was read and adopted.

A bill to provide for the payment of three companies of minute men commanded by Captains Jno. W. Sanson, Jno. D. Davenport and Reason W. Black; read a 3rd time and passed.

A bill to incorporate the Casino Association of San Antonio; read and ordered to be engrossed.

On motion of Mr. Taylor of Houston, the Senate adjourned until to-morrow morning at 10 o'clock.

FRIDAY, NOV. 13, 1857.

The Senate met pursuant to adjournment—Prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Caldwell presented the petition of Geo. W. Glascock; referred to the committee on Public Lands.

Mr. Pirkey presented the petition of Geo. Brinled's executor; referred to the committee on Private Land Claims.

Mr. Wigfall presented the petition of the Board of Trustees of the Marshall University; referred to the committee on Education.

Mr. Russell, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed:

A bill to definitely define the Northern boundary line of the Mississippi and Pacific Railroad Reserve;

A bill for the relief of Benj. F. Ellis;

A bill to amend the thirty-third section of an act regulating the proceedings in the County Courts pertaining to the estates of deceased persons, passed March 20th, 1848;

A bill to allow C. H. Nimmon to adopt two illegitimate children; and

A bill to incorporate the Casino Association of San Antonio.

Mr. Grimes chairman of the committee on Finance, made the following reports :

The committee on Finance, to which was referred so much of the Governor's Message as relates to taxation, in accordance with the suggestions of the Governor, report a bill to change and provide for a uniform time for terminating the fiscal year of the several offices of the State Government; which was read a first time.

The committee on Finance, to which was referred a bill making an appropriation of fifteen thousand dollars to defray the contingent expenses of the seventh Legislature, have examined the same, and report the bill back to the Senate with an amendment, and recommend the adoption of the amendment and passage of the bill.

AMENDMENT.

In first section, sixth line, after "Legislature," add :

"Provided, that no monies shall be drawn from the Treasury under the provisions of this act, unless the claim shall first have been examined and approved by the committee on Printing and Contingent Expenses of the house for whose use the claim was contracted"

The Finance committee have examined a bill making an appropriation to pay for the State copies of the 16th and 17th volumes of the Texas Reports, and recommend its passage.

Mr. Wigfall, chairman of the committee on State Affairs, made the following report :

The committee on State Affairs, to which was referred that part of the Governor's Message in relation to the establishment of a State University, have had the same under consideration, and instruct me to report the accompanying bill and recommend its passage.

Your committee deem it unnecessary to comment upon the necessity or advantages of such an institution. The universal experience of all civilized nations has demonstrated the necessity of institutions where the higher branches of scholastic education may be taught, and the advantages of having such an institution within the limits of our State, where our youth may be taught at home, are too obvious to require comment. The measure has frequently been recommended to the Legislature, and it is believed no definitive action has been heretofore had because of the embarrassment of our Public Debt. That being now happily adjusted, and the condition of the public treasury fully warranting the measure, this is deemed

an auspicious period to provide for the endowment of a State University.

Your committee have forborne the expression of an opinion as to the place at which such an institution should be located. They have no doubt the wisdom of the Legislature will be directed to a suitable site. It is not a matter of so much importance as to where the University should be situated, as that we should receive the advantages of such an institution.

A bill to set apart and appropriate a fund for the establishment and endowment of a State University ; read first time.

Mr. Potter, chairman of the committee on the Judiciary, made the following reports :

The committee on the Judiciary have considered a bill to change the time of holding the spring terms of the District Courts in the 11th Judicial District, and direct me to return the same to the Senate, with amendments, and recommend the adoption of the amendments, and the passage of the bill :

AMENDMENTS.

1st. In the caption strike out the word "Spring."

2d. In first section strike out all after the enacting clause, and insert as follows :

"That the District Courts of the 11th Judicial District shall commence in the county of El Paso, on the first Mondays in March and September, in each year, and may continue in session until the business is disposed of."

3d. Insert the following as section 2d :

"Sec. 2d. That all process which has been, or may hereafter be issued, and made returnable to the District Court of said county of El Paso, shall be, and is hereby made returnable to said Court, at the periods of its sessions as specified in this act, and that all recognizances and bonds entered into by any person, or persons, in said Court, with reference to the periods of its sessions, under the laws heretofore in force, shall be, and the same are hereby made obligatory upon the parties with reference to the terms of said Court as fixed by this act."

4th. Make section 2 of the bill section 3, and section 3 section 4.

The committee on the Judiciary have considered a resolution, requesting the committee to inquire into the expediency of amending the third section of an act prescribing the manner of entering land certificates and scrip, and to prohibit the

lifting and floating the same, and find the section in question to be as follows, to-wit:

“That whenever an entry is made by virtue of a genuine certificate, upon any land which appears to be appropriated, deeded, or patented, by the books of the proper surveyor's office, or records of the County Court, or General Land Office, the party making such an entry shall abide by the same; and in the event that judgment final shall be rendered against the right of the party making such entry to hold such land, he shall not have the right to lift or re-enter said certificate; but the same shall be forfeited, and so declared to be by the judgment of the Court. Provided, that nothing in this act shall be so construed as to affect entries on locations heretofore made.”

A majority of the committee are of the opinion that the provisions of this section are salutary, and should be continued in force, and therefore direct me to return the resolution to the Senate, and ask to be discharged from the further consideration of the same.

A message was received from the House, informing the Senate that the House had passed—

A bill to revive and continue in force and supplemental to and amendatory of an act to incorporate the San Antonio and Mexican Gulf Railroad company, approved September 5th, 1850, and the several supplemental and amendatory acts concerning said Railroad, originating in the Senate; and

A bill originating in the House, authorizing the Governor to raise and muster into the service of the State one hundred mounted men.

On motion of Mr. McCulloch, a House bill, authorizing the Governor to raise and muster into the service of the State one hundred mounted men, was taken up and read first time.

On motion of Mr. Caldwell, the rule was suspended, and bill read second time.

Mr. McCulloch offered “a bill authorizing the Governor to raise and muster into the service of the State mounted men for the protection of our western frontier,” as a substitute; adopted.

The bill was then ordered to be engrossed.

On motion of Mr. McCulloch, the rule was further suspended, bill read a third time and passed.

Mr. Guinn offered the following resolution :

Resolved, by the Senate, the House concurring, that a committee of three be appointed on the part of the Senate, to act in conjunction with a committee on the part of the House, whose duty it shall be to investigate all land or money claims, recommended or referred on their merits, to the Legislature, by the Court of Claims, and report by bill or otherwise. Adopted.

Messrs. Guinn, Stockdale and Throckmorton were appointed the committee on the part of the Senate.

Mr. Caldwell offered the following resolution :

Resolved, That the committee on State Affairs be instructed to inquire into the propriety of changing the time of the meeting of the Legislature from November to June, and the General election day from August to April, and report the result of their deliberations to the Senate. Adopted.

Mr. Herbert offered the following resolution :

Resolved, That a committee of three be raised on the part of the Senate, to act in conjunction with a like committee on the part of the House, to enquire into the necessity of furnishing means to the counties that have failed to make crops for the last two seasons, and report by bill or otherwise.— Adopted.

Messrs. Herbert, Taylor of Cass, and McCulloch, were appointed said committee on the part of the Senate.

Mr. Britton introduced a bill to incorporate the Western Artesian Well Company; read first and second times and referred to the committee on Internal Improvements.

Mr. Lott introduced a bill for the relief of Andrew Mayson; read first and second times and referred to the committee on Private Land Claims.

Mr. McCulloch introduced a bill for the relief of L. S. Hargous, H. R. W. Hill, G. B. Lamar, and Samuel Swartwout; read first and second times and referred to the committee on Public Debt.

Mr. Throckmorton introduced a bill to create the county of Clay; Read first and second times and referred to the committee on Counties and County Boundaries.

Mr. Pirkey introduced a bill for the relief of Mathias Ward; read first and second times and referred to the committee on Private Land Claims.

A message was received from the Governor transmitting the following communication :

EXECUTIVE OFFICE, }
30th Nov., 1857. }

Gentlemen of the Senate, and

House of Representatives :

Information has been received at this office, that a train of carts, from San Antonio to the coast, driven by Mexicans, and under the charge of Mr. Wm. Pyron, an American, encamped on the night of the 20th inst., on Yates creek. The next morning, while the Mexicans were getting up their oxen, they were assaulted and fired upon by a party of armed men, and two of them were killed.

No blame whatever attaches to Captain Nelson, or the company under his command, as Mr. Pyron did not apply to them for an escort. It is understood that he preferred to go without an escort, in consequence of assurances of safety that had been given him by parties in Karnes and Goliad counties ; he having previously made a trip without molestation.

After this misfortune, Mr. Pyron returned to the Cibolo, where Captain Nelson's Company were encamped, and applied for and received an escort for his train.

It is painful to record such acts of violence, and a subject of deep mortification that the law places no means in my power to prevent them. Such outrages cannot occur and pass unpunished in a country where the officers and the mass of the people entertain a proper respect for the laws ; and it becomes a matter for your consideration, whether the citizens of a county that permit such acts to be done with impunity, should not be compelled to pay a heavy pecuniary penalty—this would, without doubt, arouse them to the necessity of preserving the public peace.

It is now very evident that there is no security for the lives of citizens of Mexican origin engaged in the business of transportation, along the road from San Antonio to the Gulf, unless they are escorted by a military force.

The term of service of the militia now employed, will expire on the 8th of December, and unless some direction is received from the Legislature, to continue their services, I shall feel it my duty to discharge them on that day.

It will require an appropriation of about fourteen thou-

sand and five hundred dollars, to pay the services of the company and for their subsistence and forage.

E. M. PEASE.

On motion of Mr. Paschal the message was referred to the committee on State Affairs, and the committee to which it should be referred in the House, were requested to act in conjunction with said committee, in the consideration of the subject matter of the message.

On motion of Mr. Paschal one thousand copies of the message were ordered to be printed.

ORDERS OF THE DAY.

The Report of the committee on Public Lands, on a bill supplemental to and amendatory of an act entitled an act to provide for the location, sale and settlement of the Mississippi and Pacific Railroad Reservation, passed August 26th 1856, offering a substitute therefor, was taken up and the substitute adopted.

Mr. Walker offered the following amendment :

In 7th line strike out fifty and insert forty, and strike out five in the 21st line, and also in the 25th line.

Mr. Taylor of Fannin offered a bill to be entitled an act supplemental to an act to authorize the location sale and settlement of the Mississippi and Pacific Railroad reserve, as a substitute for the bill and amendment.

Mr. Wigfall moved the re-commitment of the bill, amendment and proposed substitute to the committee on Public Lands—lost.

On motion of Mr. Potter, the substitute offered by Mr. Taylor of Fannin, and the amendment offered by Mr. Walker, were laid on the table.

Mr. Potter offered the following amendment, "strike out January in the 19th line, and insert October," strike out all after the word "sum" in the 21st line of the 1st section, and insert "of fifty cents per acre for the amount of their surveys, with interest thereon from the first day of January, 1858, and should any person fail to pay for his or her lands by said first day of October, 1859, the same shall be subject to relocation as other public domain belonging to the State."

Mr. Guinn moved to amend by striking out all relating to interest in the amendment, carried by the following vote :

YEAS—Messrs. Burroughs, Erath, Fall, Guinn, Herbert, Lott, Martin, Russell, Scarborough, Taylor of Cass, Taylor of Houston, Throckmorton, Truitt, Walker and Wren—15.

NAYS—Messrs. Britton, Caldwell, Graham, Grimes, Hyde, McCulloch, Maverick, Paschal, Pirkey, Potter, Shepard, Stockdale, Taylor of Fannin and Wigfall—14.

On motion of Mr. Taylor of Cass, the amendment offered by Mr. Potter was laid on the table.

On motion of Mr. Taylor of Cass, the substitute offered by Mr. Taylor of Fannin was taken from the table.

Mr. Burroughs moved the indefinite postponement of the substitute—lost by the following vote :

YEAS—Messrs. Britton, Burroughs, Herbert, Lott, Martin, Taylor of Houston, Throckmorton, Truitt, Walker and Wren—10.

NAYS—Messrs. Caldwell, Erath, Fall, Graham, Grimes, Guinn, Hyde, McCulloch, Maverick, Paschal, Pirkey, Potter, Russell, Scarborough, Shepard, Stockdale, Taylor of Cass, Taylor of Fannin and Wigfall—19.

Mr. Burroughs offered the following amendment, "Provided that the settlers in that part of the reserve lying east of the Colorado river, shall not be required to pay anything for 160 acres of land."

On motion of Mr. Taylor of Fannin laid on the table by the following vote :

YEAS—Messrs. Britton, Caldwell, Fall, Graham, Grimes, Guinn, Herbert, Hyde, McCulloch, Maverick, Paschal, Pirkey, Potter, Scarborough, Shepard, Stockdale, Taylor of Cass, Taylor of Fannin and Wigfall—19.

NAYS—Messrs. Burroughs, Erath, Lott, Martin, Russell, Taylor of Houston, Throckmorton, Truitt, Walker and Wren—10.

Mr. Throckmorton offered the following amendment :

Provided, that should any settler not be able to pay for his land by the time herein specified, and should any other party locate upon his selection, in such event the settler shall have pay for his improvements, to be determined by two disinterested freeholders of the county in which he may reside, one arbitrator to be selected by each party, and when so selected if they cannot agree upon the value of such improvements then the said arbitrators may call in the third individual to decide the difference, and when the valuation of the improvements is so determined, the party locating the land shall pay to the settler such valuation, otherwise his location shall be void.

On motion of Mr. Guinn laid on the table by the following vote :

YEAS—Messrs. Caldwell, Graham, Grimes, Guinn, Herbert, Hyde, McCulloch, Maverick, Paschal, Pirkey, Potter, Scarborough, Shepard, Stockdale, Taylor of Cass, Taylor of Fannin and Wigfall—17.

NAYS—Messrs. Britton, Burroughs, Erath, Fall, Lott, Martin, Russell, Taylor of Houston, Throckmorton, Truitt and Walker—10.

On motion of Mr. Walker the bill was amended by striking out section 2d, and inserting in lieu thereof :

Sec. 2, that said settlers shall not be compelled to return their field notes to the General Land Office until the 1st day of April 1853, and that this act shall take effect from and after its passage.

The bill was then ordered to be engrossed.

On motion of Mr. Guinn, the rule was suspended, bill read a third time and passed.

On motion of Mr. Taylor of Cass, the Senate adjourned until to-morrow morning at 10 o'clock.

SATURDAY, November 14, 1857.

Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Walker presented the memorial of the citizens of Palo Pinto county ; read and referred to the committee on Public Lands.

Mr. Britton presented the memorial of the citizens of Live Oak county ; read and referred to the committee on Judiciary.

Mr. Taylor, of Houston, Chairman of the committee on Enrolled Bills, reported the following bills correctly enrolled, properly signed and presented to the Governor :

“A bill to change the time of holding the County Courts of Upshar county, sitting as a Commissioners’ Court.”

“A bill to revive and continue in force, and supplemental to and amendatory of An Act to incorporate the San Antonio and Mexican Gulf Railroad Company, approved September 15th, 1850, and the several supplemental and amendatory acts concerning said Railroad.”